Preliminary Amendment

Cont. App. Based on U.S. Ser. No. 09/705,017

Inventor: David R. Zittel, et al

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REMARKS

Entry of this amendment is respectfully requested. Claims 1-16 have been canceled. New claims 17-37 have been added. Claims 17-37 are thus pending in this application.

Several known apparatus for food processing a food product are noted in the background section of the application. However, none of the known apparatus teach or suggest a food processing apparatus having a frame defined by a pair of endplates disposed at opposite ends of a food processing chamber, and a pair of exteriorly disposed cross-braces that extend from one endplate to the other endplate. Furthermore, none of the known apparatus teach or suggest a food processing apparatus wherein the pair of endplates are of one piece unitary construction and configured to rest on a horizontal surface. Yet furthermore, none of the known apparatus teach or suggest a food processing apparatus wherein the pair of cross braces is of one-piece and tubular construction which interconnect the pair of endplates. Allowance of claims 17-37 is respectfully requested.

CONCLUSION

A check for \$ 519.00 is enclosed in payment of the application filing fee for a <u>small</u> entity including \$126.00 for three independent claims presented in excess of three by a small entity and \$18 two claims presented in excess of twenty by a small entity. No other fees are believed to be payable with this communication. Nevertheless, should there be any other fees payable in conjunction with this or any future communication with regard to this matter, the Commissioner or Director is authorized to direct payment of such fees, or credit any overpayment thereof, to Deposit Account No. 50-1170.

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The application is now believed to be ready for examination on the merits. Early notification of such action is earnestly solicited. The Examiner is invited to contact the undersigned if it would help expedite matters.

Respectfully submitted,

David D. Stein Reg. No. 40,828

Dated: September 4, 2003 Attorney Docket No.: 338.075

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